

**Applicant: Davis et al.**  
**Serial No.: 10/767,683**

## **REMARKS**

### **Claims**

After entry of the subject Amendment, claims 1-7 and 9-22 are pending in the subject application, with claims 1, 7, and 9 being in independent form. Claims 1, 4, 6, and 7 have been amended as described below. Claims 2, 3, 5, and 9-22 remain unchanged since the previously submitted Amendment. Claim 8 has been canceled. No new matter has been added to the application as a result of these amendments.

Claims 1-3 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sandler et al. (U.S. Patent No. 6,225,582) in view of Boyle, III et al. (U.S. Patent No. 6,419,270). Claims 7, 13-16 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Stadler et al. in view of Vitale et al. (U.S. Patent No. 6,857, 498). Claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Stadler et al. in view of Vitale et al. and further in view of Ryner (U.S. Patent No. 6,491,322).

Claims 9-12 are allowed and claims 4, 6, 8, 17 and 20-22 are allowed if rewritten in independent form including the limitations of the base claim and any intervening claims.

Applicant thanks the Examiner for the allowance of various independent and dependent claims. In accordance with this allowance, claim 1 has been amended to include the limitations of allowed claims 4 and 6. Claim 7 has been amended to include the limitations of allowed dependent claim 8. Accordingly, claim 8 has been canceled.

To consolidate claims 4 and 6 into amended claim 1, Applicant has introduced the term “pedal sensor” to more generically reflect either the “accelerator pedal sensor” of claim 4 or the “brake pedal sensor” of claim 6. Accordingly, both claims 4 and 6 have been amended to reflect the changes to claim 1, which they are dependent on. Thus, it respectfully submitted that claim 1 is now in condition for allowance. Furthermore, claims 3-6, are dependent on claim 1, either directly or indirectly, such that they are also in condition for allowance.

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As stated above, claim 7 has been amended to include the limitations of the allowed claim 8. Thus, it is respectfully submitted that claim 7 is now in condition for allowance. Furthermore, claims 2 and 13-22 are dependent on claim 7, either directly or indirectly, such that they are also in condition for allowance.

In summary, it is respectfully submitted that the application, as amended, is now presented in condition for allowance. Applicant believes that no fees are due; however, if any become required, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account 08-2789 for this matter.

Respectfully submitted,

**HOWARD & HOWARD ATTORNEYS, P.C.**

/Matthew Binkowski/

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Date

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